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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16  
17 SAN TROPEZ ASSOCIATES, LLC, and  
18 BIG ROCK ASSET MANAGEMENT, LLC

19 CASE NO.:  
20

21 Plaintiffs,

22 vs.

23 **DEFENDANTS' NOTICE OF  
REMOVAL**

24 WESTCHESTER SURPLUS LINES  
25 INSURANCE COMPANY, NATIONAL FIRE  
26 AND MARINE INSURANCE COMPANY, and  
27 STARSTONE SPECIALTY INSURANCE  
28 COMPANY,

29 Defendants.

30 PLEASE TAKE NOTICE that Defendants, StarStone Specialty Insurance Company  
31 ("StarStone"), National Fire and Marine Insurance Company ("National Fire"), and Westchester  
32 Surplus Lines Insurance Company ("Westchester") (collectively, the "Defendants"), by and  
33 through their undersigned counsel, hereby jointly file this Notice of Removal pursuant to 28

1 U.S.C. §§ 1332, 1441 and 1446, removing this action from the Eighth Judicial District Court of  
 2 Clark County, Nevada, in which it is currently pending, to the United States District Court for  
 3 the District of Nevada. In support of this Notice, Defendants state as follows:

4       1. On August 12, 2024, Plaintiffs, Plaintiffs, San Tropez Associates, LLC (“San  
 5 Tropez”) and Big Rock Asset Management, LLC (“Big Rock”), filed a Complaint in the  
 6 underlying Nevada state court case in the Eighth Judicial District Court of Clark County,  
 7 Nevada, styled as: *San Tropez Associates, LLC and Big Rock Asset Management, LLC v.*  
 8 *Westchester Surplus Lines Insurance Company, National Fire and Marine Insurance Company,*  
 9 *and StarStone Specialty Insurance Company*, Case No. A-24-899537-C (the “State Court  
 10 Action”).

11       2. The Complaint asserts an insurance coverage dispute regarding property damage  
 12 allegedly sustained at 8025 West Russell Road, Las Vegas, Nevada 89113 (the “Property”) due  
 13 to a September 2023 storm. The Complaint consists of four counts: (1) Breaches of Contracts,  
 14 (2) Common Law Bad Faith, (3) Violation of Nevada’s Unfair Claims Settlement Practices Act,  
 15 and (4) Declaratory Relief. Annexed as Exhibit “A” is the Complaint filed in the State Court  
 16 Action (the “Complaint”).

17       3. National Fire was served with a Summons and a copy of the Complaint on August  
 18 20, 2024. StarStone was served with a Summons and a copy of the Complaint on August 21,  
 19 2024. Westchester was served with a Summons and a copy of the Complaint on August 20,  
 20 2024. Annexed as Exhibit “B” are the Affidavits of Service.

21       4. The Complaint was not removable on its face because it neither identified  
 22 Plaintiffs’ LLC members nor stated the amount in controversy. Because of this, Defendants  
 23 answered and demanded jurisdictional discovery.

24       5. National Fire and StarStone filed their Answer to the Complaint in the State Court  
 25 Action on November 18, 2024 with the agreement of Plaintiffs’ counsel. *See* Exhibit “C,”  
 26 Defendants National Fire and Starstone’s Answer.

27       6. Westchester filed its Answer to the Complaint in the State Court Action on  
 28 November 18, 2024 with the agreement of Plaintiffs’ counsel. *See* Exhibit “D,” Defendant

## Westchester's Answer.

7. On March 10, 2025, the Parties entered into a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”).

8. Plaintiffs responded to Defendants' jurisdictional discovery demands on March 17, 2025. *See Exhibit "E," San Tropez's Responses to National Fire's Requests for Admission; Exhibit "F," Big Rock's Responses to National Fire's Requests for Admission.*

## **JURISDICTION**

## I. Diversity of Citizenship

9. Defendants and Plaintiffs are citizens of different states for purposes of establishing this Court's subject matter jurisdiction under 28 U.S.C. § 1332.

10. Defendant Westchester is a Georgia company with its principal place of business in Pennsylvania.

11. Defendant National Fire is a Nebraska company with its principal place of business in Nebraska.

12. Defendant StarStone is a Delaware company with its principal place of business in Ohio.

13. Plaintiffs San Tropez and Big Rock are limited liability companies. “[A]n LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). The Complaint does not identify the members either Plaintiff LLC or their citizenship.

14. On January 30, 2025, National Fire served jurisdictional discovery on Plaintiffs seeking the citizenship of each member of the LLCs.

15. On March 17, 2025, Plaintiffs provided responses confirming that none of their members are citizens of the same state as any Defendant. *See Exhibit “E,” San Tropez’s Responses to National Fire’s Requests for Admission; Exhibit “F,” Big Rock’s Responses to National Fire’s Requests for Admission.*

16. While Plaintiffs provided the citizenship of their members in their responses to Defendants' Interrogatories and confirmed that complete diversity exists, those documents are

marked "Confidential" under the Protective Order.

17. Accordingly, complete diversity exists among the parties pursuant to 28 U.S.C. § 1332(a).

## **AMOUNT IN CONTROVERSY**

18. The amount in controversy in this action, exclusive of interest and costs, exceeds the jurisdictional amount of \$75,000, as set forth in 28 U.S.C. § 1332.

19. The Complaint does not seek a sum certain. However, on January 30, 2025, National Fire served jurisdictional discovery on Plaintiffs seeking the amount in controversy.

20. On March 17, 2025, Plaintiffs provided responses confirming that the amount in controversy exceeds \$75,000. *See Exhibit “E,” San Tropez’s Responses to National Fire’s Requests for Admission; Exhibit “F,” Big Rock’s Responses to National Fire’s Requests for Admission.*

## **TIMELINESS OF REMOVAL**

21. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(3) and *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999), because it is being filed within thirty (30) days of Defendants' receipt of Plaintiffs' discovery responses from which Defendants could first ascertain that complete diversity of citizenship exists between the parties.

22. Additionally, this Notice of Removal is being filed within one (1) year from the commencement of the State Court Action, August 20, 2024, and therefore meets the timeliness requirement set forth in 28 U.S.C. § 1446(c)(1).

23. In sum, because diversity of citizenship exists as between Defendants on the one hand, and Plaintiffs on the other, and the amount in controversy exceeds \$75,000, this Court has subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332.

24. The United States District Court for the District of Nevada encompasses the place where the State Court Action is pending. Accordingly, this Court is the proper federal venue for this action.

25. No previous application has been made for the relief requested herein.

26. All Defendants consent to the removal of the action to this Court.

27. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiffs and a copy is being filed with the Clerk of the Eighth Judicial District Court of Clark County, Nevada.

**WHEREFORE**, Defendants, StarStone Specialty Insurance Company, National Fire and Marine Insurance Company, and Westchester Surplus Lines Insurance Company, respectfully and jointly remove this action from the Eighth Judicial District Court of Clark County, Nevada.

DATED this 14<sup>th</sup> day of April, 2025.

## PYATT SILVESTRI

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Attorney for Defendant,  
*Westchester Surplus Lines Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of April, 2025, I caused a true and correct copy of the foregoing document: **DEFENDANTS' NOTICE OF REMOVAL** to be served electronically, to the following e-service list recipients:

Andrea M. Champion, Esq.  
Rebecca L. Crooker, Esq.  
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*Attorneys for Plaintiff*

/s/ *Barbara Abbott*

## An Employee of PYATT SILVESTRI